

10



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Jakubowska
Respondent: New Clean Dealership Services Limited
Heard at: East London Hearing Centre
On: Thursday 15 August 2019
Before: Employment Judge Hallen (sitting alone)

Representation

Claimant: In person
Respondent: Neither present nor represented

JUDGMENT having been sent to the parties on 18 September 2019 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013.

REASONS

1 The Claimant in her Claim Form claimed compensation for unfair dismissal, loss of wages and failure to pay the correct holiday entitlement. The Respondent, being New Clean Dealership Services Limited, did not enter a response and were not present at the hearing. The Claimant produced various documentation including a contract of employment with the Respondent as well as a form confirming that her employment transferred across from Gold Service Contract Cleaning Limited to the Respondent at the end of November 2017. The continuous service with Gold Service Contract Cleaning Limited was from 26 May 2016 and the Claimant was dismissed summarily by text message by the Respondent on 22 February 2019 in the absence of any procedure being followed and in the absence of any legitimate reasons for dismissal.

2 The Claimant therefore had over two years continuous service and was entitled to make a claim for unfair dismissal. She also gave evidence which was accepted that she was not paid holiday pay in the sum of £171 accrued between 1 January 2018 and 31 December 2018 being the holiday year in question. This was in the total of £171. In addition, she had unpaid wages with the Respondent from 8 August 2018 until 23

February 2019 being made up of her Saturday pay of £9 per hour whereas her contract stated £12 an hour. She worked three hours on the Saturday and for this period of time she was underpaid £252.

3 Due to the fact that the Respondent failed to follow a reasonable procedure in dismissing the Claimant by dismissing her by text, she was unfairly dismissed. The Tribunal awarded her compensation for unfair dismissal made up of the basic award of two weeks' pay in the sum of £342 (net pay £171 per week) and loss of wages for four weeks when the Claimant was unemployed and seeking employment. The amount of this was £684. In addition, the Tribunal awarded her £350 for loss of statutory rights. The total awarded compensation was £1799.

Employment Judge Hallen

23 October 2019